



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
For Community Development
Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Ms. Beth Sykes, Senior Planner, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning

and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Lisa Caudill, Administrative Assistant, Administration
Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department
Ms. Curel Sundar, GIS Analyst
Planning Department
Ms. Detria Thomas, Senior Automation Analyst
Planning Department
Mr. Zachary Mayo, Planning Data and Geographic Analyst,
Advance Planning and Research Section, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. R. John McCracken, Director,
Transportation Department
Mr. Steven Adams, Senior Engineer,
Transportation Department
Ms. Liz Kashurba, Project Manager,
Economic Development
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Mike Golden, Director of
Parks and Recreation
Mr. Jim Eicher, CPTED Coordinator,
Police Support Services
Ms. Carol Judkins, Budget and Management Analyst,
Budget Department
Lieutenant Frank X. Nause III,
Fire Marshal #4, Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration
Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Brown, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

Mr. Turner apprised the Commission that the 3:00 p.m. Public Meeting would be held in the Public Meeting Room, Chesterfield County Administration Building to provide adequate space for the anticipated attendance. Signs had been posted and attendees informed of the location change.

Mr. Turner introduced Ms. Deitra Thomas as the new Senior Automation Analyst for the Planning Department.

Mr. Gulley acknowledged Mr. Jack Wilson, a former Planning Commission member.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested a change to the agenda to reorder Item V, Planning Topics-Large Lot/Deferred Growth Concepts as Item XIII. On motion of Dr. Brown, seconded by Mr. Waller, the Commission amended the agenda to reorder Item V, to Item XIII.

- I. Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation**.
- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. **Work Program – Review and Update**.
- V. **Planning Commission Initiated Amendment** to *Upper Swift Creek Plan Amendment*.
- VI. **BOS Initiated Amendment** to *Upper Swift Creek Plan Amendment*.
- VII. **Code Amendment Relative to Low Impact Design** in the *Upper Swift Creek Watershed*.
- VIII. **Public Facilities Plan Amendment**.
- IX. **Code and Policy Amendments Relative to Proposed Electronic Message Centers**.
- X. **Code Amendment Relative to Height of Church Steeples**.
- XI. **Code Amendment Relative to CPTED Standards (Security Proffer)**.
- XII. **Overview of Public Facilities Site Selection Process**.
- XIII. **Planning Topics-Large Lot/Deferred Growth Concepts**.
- XIV. **Recess**.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of June, July, and August 2008.

III. REVIEW DAY'S AGENDA.

Mr. Michael Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Beverly Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. WORK PROGRAM.

Mr. Gulley noted that the work program should be amended to reflect the rescheduling of the *Public Facilities Plan* Amendment to the June 3, 2008, Public Hearing.

The Commission reviewed and accepted the June 2008 Work Program, as amended.

V. PLANNING COMMISSION INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Jimmy Bowling made a presentation of all amendments to the draft *Plan*, including amendments since the April Planning Commission work session.

Mr. Gulley explained that there is only one *Upper Swift Creek Plan* with two (2) versions. The two (2) versions represented the Board of Supervisors'-initiated amendment (Version One) and the Planning Commission-initiated amendment (Version Two). He added that a Public Meeting was scheduled for June 3, 2008 to present to the public "Version One". Mr. Gulley asked the Commission to consider future dates for a work session, a citizens meeting and a public hearing to discuss "Version Two". Mr. Gulley asked all Commissioners to review the working documents for "Version Two" and to forward all comments to Mr. Jimmy Bowling.

Mr. Bass expressed concern that the Board of Supervisors had requested a recommendation on their initiated Plan Amendment for their June 25, 2008 meeting, yet the Commission was scheduling additional meetings on their own version. He stated the Board of Supervisors sent the *Plan* back to the Planning Commission for adjustment and the Board of Supervisors never intended to have two versions of the *Plan*. Mr. Bass noted that the Planning Commission's responsibility was to assist staff in preparing the Board's *Plan*.

Upon conclusion of the discussion, motions followed to set a work session, a citizens meeting and a public hearing relative to "Version Two" *Plan* Amendment.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission scheduled a work session for June 19, 2008, at 4:30 p.m., Multipurpose Room, Chesterfield County Community Development Building, 9800 Government Center Parkway.

AYES: Messrs. Gulley, Brown, Hassen and Waller

NAY: Mr. Bass

On motion of Mr. Waller, seconded by Dr. Brown, the Commission scheduled a special meeting for June 26, 2008, at 7:00 p.m., at a location to be determined.

AYES: Messrs. Gulley, Brown, Hassen and Waller

NAY: Mr. Bass

On motion of Dr. Brown, seconded by Mr. Waller, the Commission set a public hearing for July 17, 2008, at 7:00 p.m., to consider "Version Two" of the *Upper Swift Creek Plan* Amendment.

AYES: Messrs. Gulley, Brown, Hassen and Waller
NAY: Mr. Bass

VI. BOS INITIATED AMENDMENT TO UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Bowling presented an overview of the potential changes to the adopted *Upper Swift Creek Plan* Amendment. He also informed the Commission of a citizens' meeting scheduled on May 21, 2008, to discuss these changes.

Mr. John McCracken made a brief presentation on Level of Service for Transportation (LOS). He stated his support in staff's efforts to provide adequate infrastructure.

There was some confusion on the correct version of the Water Quality Ordinance presented by Mr. Scott Flanigan. After clarification, Mr. Flanigan presented information on the Environmental Quality section of the Comprehensive Plan as it relates to the Board of Supervisors' initiated *Upper Swift Creek Plan Amendment*.

Mr. Robb Robinson answered questions from the Commission relative to the State's landscaping ordinance in comparison to the landscape ordinance language used in the *Plan*.

VII. CODE AMENDMENT RELATIVE TO LOW IMPACT DESIGN IN THE UPPER SWIFT CREEK WATERSHED.

Mr. Richard McElfish gave a presentation and answered questions on the proposed amendments to the *Upper Swift Creek Watershed Ordinances*.

Mr. Flanigan presented information on the new mass grading and tree save amendments. Mr. Flanigan also answered questions on the benefits of the amendment in improving the water quality throughout the county by maintaining trees as opposed to clear cutting trees for development.

VIII. PUBLIC FACILITIES PLAN AMENDMENT.

Mr. Steve Haasch gave a brief presentation of the proposed amendments to the *Public Facilities Plan*. He requested that Mr. Waller clarify his language regarding green infrastructure. He advised the Commission that a public hearing was scheduled for June 3, 2008.

IX. CODE AND POLICY AMENDMENTS RELATIVE TO PROPOSED ELECTRONIC MESSAGE CENTERS.

Mr. Greg Allen noted that it had been seven years since the adoption of the Electronic Message Center Policy. Mr. Allen added that staff planned to present options to the Policy at the June 17, 2008 work session. Mr. Allen responded to questions from the Commission on the types of businesses currently regulated by the Policy.

X. CODE AMENDMENT RELATIVE TO HEIGHT OF CHURCH STEEPLES.

Mr. Greg Allen presented a brief overview of the amendment and answered questions from the Commission. The Commission questioned if the proposed height of steeples was sufficient for what was necessary and typical for such structures. The Commission also question if increased setbacks were needed as proposed by staff. The Commission felt more information was needed before they would feel comfortable in making a recommendation on the amendment. After further discussions, the Commission asked staff to prepare a presentation for the July 15, 2008, Planning Commission work session.

XI. CODE AMENDMENT RELATIVE TO CPTED STANDARDS (SECURITY PROFFER).

Mr. Jim Eicher informed the Commission that the current security proffer is not working as well as planned. In an attempt the make changes to the current standards, Mr. Eicher stated that he would present a copy of the new draft Ordinance at the July 15, 2008, work session.

XII. OVERVIEW OF PUBLIC FACILITIES SITE SELECTION PROCESS.

Mr. Michael Tompkins presented an overview of the site selection process to the Planning Commission. Mr. John Harmon answered several questions from the Commission regarding the subject of acquiring private property for public facility uses.

XIII. PLANNING TOPICS-LARGE LOT/DEFERRED GROWTH CONCEPTS.

Because of time restraints, Mr. Turner suggested for the Commission to reschedule the Planning Topics – Large Lot/Deferred Growth Concepts to their June 17, 2008, work session.

XIV. RECESS.

The Commission recessed at 2:45 p.m., agreeing to reconvene in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the 3:00 p.m. Public Meeting.

3:00 P.M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III. APPROVAL OF PLANNING COMMISSION MINUTES:

- **MARCH 18, 2008 PLANNING COMMISSION MINUTES.**

Mr. Hassen noted that an explanation of denial for Case 03SN0203 should be reflected in the minutes to include the following statement: "Mr. Hassen stated that he was not in position to support this case due to the lack of compatibility with surrounding adjacent residential homes".

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve the March 18, 2008 Planning Commission minutes, as amended.

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

- **APRIL 15, 2008 PLANNING COMMISSION MINUTES.**

Mr. Turner noted that on page nine (9), fourth paragraph, the words "the BOS initiated version of" should be added.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to approve the April 15, 2008 Planning Commission minutes, as amended.

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

IV. CONSIDERATION OF THE FOLLOWING REQUEST:

- **CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

08PR0248: In Bermuda Magisterial District, **C.F. CURRIN, JR.** is requesting approval to reduce a 75 foot wide buffer to 20 feet in conjunction with site plan approval for 2 office/retail buildings totaling approximately 28,150 square feet. This project is known as **CHALKLEY PLACE**. This request lies in a Community Business (C-3) and Corporate Office (O-2) Districts on 10.57 acres fronting approximately 740 feet on the south line of Iron Bridge Road and approximately 360 feet along the west line of West Booker Boulevard and located in the southwest quadrant of these roads. Tax IDs 779-652-6675 and 9168, 780-652-1685, 2380, 1556 and 1448.

Mr. Hassen noted that a thirty (30) foot buffer was placed on the residential multifamily project adjacent to the setback reduction. This thirty (30) foot buffer combined with the proposed twenty (20) foot setback created a fifty (50) foot buffer as opposed to a seventy-five (75) foot buffer.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve Case 08PR0248 subject to the following conditions and review comments:

CONDITONS

1. Within the buffer, the existing trees shall be supplemented to equal the density of 1.5 times perimeter landscape C.
2. The site plan shall be revised and resubmitted to accomplish the following review comments.

REVIEW COMMENTS:

1. DI-2As will not be permitted within VDOT right-of-way. (VDOT)
2. Provide MS-19 type drainage system calculations and 10 year storm analysis to the ultimate outfall, including the existing SWM and the pipe culvert under Route 5909, and possibly Routes 632, 1542, or even Route 10, the hydraulic grade line, spread, and ditch and structure descriptions, and demonstrate the adequacy of the existing system to handle your increased run-off. (VDOT)
3. Clarify existing drainage structures 3 and 5, and the system outfall, and show their location and the drainage areas they are serving. (VDOT)
4. Label the existing drainage structures across Route 5909, and show in the calcs. (VDOT)
5. Provide an overall drainage area plan showing how the stormwater is intended to be conveyed to the BMP shown off Route 5909, including any roadway crossings and any other pipes within the drainage system. (VDOT)
6. Ensure that all storm drain pipes have sufficient cover. (VDOT)
7. Storm pipe 21 is shown and labeled as 15" on the plans, but appears to be listed as 24" in the hydraulic grade line calcs. Check and correct this on all related plan sheets and calcs. (VDOT)
8. The angle on some of the storm pipes may not work with the structures and pipe sizes shown in the calcs. Check, particularly structure 20. (VDOT)
9. Clearly label the width of the CG-11 entrance near the entrance. (VDOT)
10. The plans show curb for the full length of the 4:1 taper at the entrance; correct. See the minimum standards of entrances to state highways.
<http://www.virginiadot.org/business/resources/minimum-standards-of-entrances.pdf>
(VDOT)
11. All new pavement marking is to be thermoplastic, not "paint." See Chesterfield residency general notes, and correct sheet C15. (VDOT)
12. The plans show a VDOT open cut detail. Clarify where any open cut is proposed, or remove the detail. (VDOT)
13. Note that per the VDOT Road and Bridge Specification 107.14(a): Special Provision 107D, which has been reinstated effective February 2, 2007, a certified erosion and sediment control contractor must be in responsible charge of all regulated land disturbing activities within VDOT rights-of-way. See also I&I 11.
<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/iim11.pdf> (VDOT)
14. Sheet C15, future improvements, revise first bullet as follows: construction of an additional lane of pavement along the eastbound lanes of Route 10 at the West Booker Boulevard intersection to provide a separate right turn lane (Condition 7b). This correction may be

done as a red-line to the current set of plans. Provide an electronic copy (pdf.) of the phasing plan (Sheet C15) for future reference. (CDOT)

15. Show the 8x6 reducer between Buildings 2 and Garden South 35' further north next to the 8x6 tee. (U)
16. Show a gate valve south of the 8x8 tee for the outparcel and south of the 8x8 tee for the double check assembly for Building #2. (U)
17. Show a sewer lateral is for Garden South. (U)
18. A foot print floor plan must be submitted to house numbering. (HN)
19. Show required 50 (fifty) foot buffer with 1.5 times perimeter landscaping "C between O-2 & R-7 for all three applicable parcels (780-652-1556, 780-652-1448 & 750-652-2380). Note tree protection fencing in erosion control narrative. (P)
20. Correct location map on L4 (780-652-1666 is not part of site). (P)
21. There is a tree shown in the hatched removal area on sheet C02 that is counted towards required perimeter landscaping requirements on Sheet L02; resolve conflict. (P)
22. Correct buffer notes on sheets L02 & L03 to state "Schedule meeting with Planning Department after buffer is flagged and prior to grading to determine existing vegetation to remain and the extent of supplemental planting." (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

08PR0267: In Clover Hill Magisterial District, **DUVAL DEVELOPMENT** is requesting approval to reduce a 100 foot buffer to 50 feet in conjunction with site plan approval. This project is known as **OAKLAKE WRIGHT**. This request lies in a Light Industrial (I-1) District on 1.3 acres fronting approximately 100 feet on the north line of Oak Lake Crest Way. Tax ID 736-689-5685.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to approve Case 08PR0267 subject to the following conditions and review comments:

CONDITIONS:

1. The entire front yard setback shall be irrigated using an automatic sprinkler system. (P)
2. Plans shall be submitted for administrative review and approval that accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. Address VDOT comments received separately from this staff report. (VDOT)

2. Prior to the issuance of any building permits, a bond must be posted to ensure State acceptance of Oak Lake Crest Way. (T)
3. As previously requested, a drainage area map is required for all on-site and off-site drainage areas, (maximum scale of 1"=200') both existing and proposed contours are required, this includes all areas that drain to the MS-19 analysis locations. It appears the drainage area to the two (2) MS-19 locations is incorrectly tabulated on the plans, revise this analysis accordingly. (EE)
4. It appears that pipe stubs may be necessary for the parcel to the north and west of the subject property. Address accordingly. As discussed in our phone conversation, review the existing development's storm sewer layout to determine if the drainage can be redirected to the site on the northwest side. Additional drainage easements may be required as part of the solution to this issue. (EE)
5. Drainage easements must be shown along any storm-water conveyance system which receives runoff from offsite, from a public right of way or requires improvements on a downstream property owner. (EE)
6. A portion of the outfall pipe improvements are located offsite and will require a drainage easement, show/label on the plans. (EE)
7. As discussed previously, the outfall velocity of the pipe exceeds the maximum permissible velocity. The pipe should be located to tie-into either the existing pipe or provide a combined endwall and intersect the two pipes at this location. Please call to discuss several design options. (EE)

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

08PW0329: In Dale Magisterial District, COURTS OF PRAISE is requesting approval of a development standard modification to the requirement for paving. This project is known as COURTS OF PRAISE. This request lies in a Residential (R-12) District on 3.9 acres lying approximately 680 feet off the east line of Iron Bridge Road at 7211 Iron Bridge Road. Tax ID 773-676-Part of 7904.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve Case 08PW0329 for five (5) years.

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

08TS0321: In Midlothian Magisterial District, OLD GUN ROAD PROPERTIES is requesting adjusted tentative subdivision plat approval of 16 single-family residential lots. This project is commonly known as THE PRESERVE AT OLD GUN. This request lies in a Residential (R-40) District on a 26.6 acre parcel fronting approximately 625 feet on the west line of Old Gun Road approximately 700 feet south of Young Manor Drive. Tax IDs 735-721-2025 and 736-721-6540. *These cases were deferred at a previous session by the Planning Commission to their May 20, 2008, meeting.

Mr. Todd Chalmers, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to approve Case 08TS0321 subject to the following conditions and review notes:

CONDITIONS

1. With the construction plan approval process and prior to recordation, all areas of former mining activity including that which straddles the property line with Tarrington Holdings and that which is located on the four lots (736-722-5574/3440 Old Gun Road West) removed from the previously approved tentative plat, shall be eliminated in a suitable fashion as documented by a licensed, professional expert. At a minimum, reclamation of former mining activity shall be consistent with generally accepted reclamation practices as confirmed by written documentation by DMME or its equivalent. In addition to the documentation of the location and reclamation of former mining activities, the geo-technical expert shall designate those lots which in his opinion should have borings taken in order to assure that a home is not built over shafts or any other previous mining activity. (EE)
2. The geo-technical experts report should include the following:
 - a. The location and analysis to include but not be limited to type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of all found mining pits or tailing heaps on the project.
 - b. A statement shall be included that the only previous mining activity found on the site are those shown on the tentative or subdivision plant. This conclusion shall be technology based in addition to visual as directed by the Environmental Engineering Department.
 - c. The report shall clearly establish fill-in/reclamation procedures, setbacks between the perimeter of any shaft reclaimed or otherwise and any other safety measures intended to protect the health, safety and welfare of people as well as the integrity of structures in which people will be living.
 - d. The report shall indicate that all former mining activity shall be filled in/reclaimed under the direction of the geo-technical consultant.
 - e. All reclamation shall be observed by a qualified geo-technical expert acceptable to the Environmental Engineering Department and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the plat recordation, a copy of the certification shall be submitted to the Environmental Engineering Department.
 - f. The accepted report shall address the impact of any horizontal shafts as to any effect on construction and any future health, safety and welfare issues.
 - g. On those lots where the geo-technical consultant believes soil borings are required. Geo-technical soil borings shall be performed for the purposes of establishing an acceptable building envelope in sufficient number and array and to a sufficient depth to confirm that

only undisturbed natural soil profiles are within the footprint of the proposed building and that the building site is not impacted by any horizontal shafts.

- h. Allowable building envelopes whose size and location is established based on the recommendations and boring logs of a qualified geo-technical expert acceptable to the Environmental Engineering Department shall be placed on the construction plan and subdivision plat for those lots where no such information is provided, the report from the geo-technical expert shall confirm that such information is not necessary for those lots. (EE)
3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
4. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
5. Approval of the road and drainage plans by Plantation Pipeline in relation to its easement and facilities therein is a prerequisite to construction plan approval by the Environmental Engineering Department. A quit claim to VDOT or a satisfactory commitment thereof by Plantation Pipeline for the location where Salles Crossing Place right-of-way will cross the Plantation Pipeline easement shall be a prerequisite to subdivision plat recordation. (EE)
6. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
7. Prior to the issuance of the land disturbance permit by the Chesterfield County Environmental Engineering Department, a permit or its equivalent must have been issued by DMME or its equivalent with respect to the previous mining activity. This shall include a peer review (paid for by the applicant) by a mining/geotechnical engineer chosen by and in behalf of the County of Chesterfield. (EE)
8. All reclamation sites shall be shown on the construction plans and subdivision plats. (EE)
9. Prior to the release of building permits in the subdivision, a certification from a licensed geotechnical engineer shall be submitted to the Environmental Engineering and Building Inspection Departments indicating that all necessary reclamation, boring, and/or other actions have been satisfactorily completed and that the lot is suitable for building construction. As directed by the Environmental Engineering Department these certifications shall be reviewed by the County's geotechnical consultant. (EE)
10. If technological documentation to the satisfaction of the County of Chesterfield and its peer review engineer (funded by the developer) is submitted which concludes that no mining activity (vertical or horizontal) took place on the eastern side of the creek, the area to be occupied by lots 1-4 and 14-16 may be recorded as a first section prior to the complete remediation of all abandoned mining areas. (EE)

11. The RPA shall not be impacted for the purpose of constructing a temporary turnaround. (EE)
12. Thirty-five feet of right of way, measured from the centerline of Old Gun Road shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, in conjunction with recordation of the first section of this tentative. (T)
13. The ditch line on Old Gun Road shall be relocated to provide an adequate shoulder in conjunction with road construction of the first section of this tentative. (T)
14. There shall be no road connection between Capwell Drive and Tideswell Road in the Tarrington Subdivision and no driveway connection from any lots in the Tarrington Subdivision to Capwell Drive. (T)
15. The two existing driveways with access to old Gun Road shall be removed, and the buffer be reestablished in accordance with Section 17-70 of the Subdivision Ordinance. (P)
16. The existing dwelling to remain on proposed lot 15 shall gain access from the newly constructed road, Capwell Drive. (P)

REVIEW NOTES:

- A. It will be the responsibility of the sub divider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the demands generated by the proposed project do not adversely affect any portion of the pressure zone the project is located within and that the addition of this project will not cause any area within the pressure zone to fail to comply with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
- B. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- C. If the use of public sewer is not intended for this development, then the use of septic systems shall be reviewed and approved by the Health Department. (U)
- D. Compliance with 17-76 of the Subdivision Ordinance in the Chesterfield County Code shall be maintained at all times. (F)
- E. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- F. When submitting the construction plans, provide an additional copy for the Fire Department to review. (F)
- G. Homeowners association with mandatory membership will be required. Ownership and maintenance responsibilities of the association shall be stated on all final check and record plats. The subdivider shall submit draft bylaws and covenants of the association to the

Planning Department and County Attorney's office in conjunction with the final check plat. The subdivider shall also incorporate the association with the State Corporation Commission. The approved bylaws and covenants shall be recorded prior to or in conjunction with the record plat. The recordation information shall be shown on the record plat and each subsequent final check and record plat. The subdivider shall fund the first year operational expenses of the association. (P)

- H. In conjunction with the submittal of the final check plats, the subdivider shall flag all buffers for inspection by the planning department. If insufficient vegetation remains, the subdivider shall submit a landscape plan to the director of planning to ensure compliance with this condition. If conditions on site are not conducive to plant survival, the subdivider shall provide surety to the county in the amount required to implement the plan. An estimate from a landscape contractor shall serve as the basis for the surety amount. (P)
- I. In conjunction with all applicable road construction, the subdivider shall install a standard barricade and place M 4-6 and M 4-7 (Manual Uniform Traffic Devices reference manual) signs on said barricade at the end of all stub locations. Provide a detail of the signs on the barricade detail in the construction plans. (P)
- J. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (P)
- K. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- L. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- M. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- N. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- O. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:

- a. The applicant shall retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
- b. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option a or b may be used for each category of road at the preference of the developer. (VDOT)

- P. All USACOE jurisdictional wetlands within proposed right-of-way to be state maintained shall be considered impacted. (VDOT)
- Q. The disposition of any/all mine shafts within proposed right-of-way to be state maintained shall be addressed in accordance with all local, state and federal regulations. Documented evidence that compliance with these regulations has been achieved must be provided to VDOT prior to acceptance of this street into the Secondary System of State Highways. (VDOT)
- R. Specific street design issues shall be addressed at the time of detailed geometric and hydraulic review of construction plans for this project. It should be noted that minimum intersection sight distance requirements are addressed in the current edition of the *VDOT Minimum Standards of Entrances to State Highways*. (VDOT)
- S. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- T. Only one curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)
- U. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)
- V. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- W. Standard Conditions. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen, and Waller.

- **CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS PUBLIC OPPOSITION.**

08TS0238: In Midlothian Magisterial District, 2421 W.D., LLC is requesting tentative subdivision approval of 6 single family residential lots and a buffer reduction along Buford Road from 35 to 25 feet. This development is commonly known as BON AIR WALK. This request lies in a Residential (R-15) District on 5.1 acres fronting approximately 460 feet on the west line of Buford Road also fronting approximately 219

feet on the north line of Sunview Lane. Tax IDs 756-712-8658 and 757-712-0544.

Ms. Amy Somervell presented an overview of the request and staff's recommendation for approval, noting the tentative subdivision conforms to the Subdivision Ordinance; and the buffer reduction will not have an adverse impact on the adjacent property.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation. She asked Mr. Jim Lewis and Mr. Steve Gibson to present information on drainage and the stream assessment.

Mr. Jim Lewis, ED Lewis and Associates, addressed drainage for the proposed development. He stated that the development would decrease the water level on the proposed site and that the project complies with the Chesapeake Bay Preservation Act. Mr. Lewis responded to questions from the Commission regarding the location of the ridgeline.

Mr. Steven Gibson, professional wetland scientist, presented information on the condition of the stream located within the proposed development. He added that based on a study conducted with county staff, the stream was determined to be intermittent.

Mr. Gulley opened the floor for public comments.

Mr. Tony Gentry, Mr. Tom Arson, Mr. Matt Overton, Mr. Greg Moquin, Mr. Bill Queen, Mr. Gordon Alling, Mr. John Ray and Ms. Lynn Ellen Queen, being area residents and/or adjacent property owners, all opposed the request citing concerns relative to possible area flooding; destruction of wetlands; classification of the stream as intermittent rather than perennial; increased traffic volumes; historical preservation of the community; decreased property values; density; and negative impact on the environment. Messrs. Gentry and Moquin each presented petitions signed by 180 and 160 residents respectively, all opposing the development.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Jim Lewis, spoke in rebuttal to the information presented by the residents and responded to questions from the Commission relative to the design and function of the proposed BMP and erosion control methods.

In rebuttal, Ms. Coyner commented on concerns of the residents. She felt there was a lack of information presented to substantiate concerns on flood issues, BMP and the stream assessment. Ms. Coyner stated that based on expert research, the proposed development would not cause area flooding, but the development would actually help reduce flooding. She asked the Commission to approve the project because the development conforms to the Subdivision Ordinance. Ms. Coyner asked the Commission in the event of a denial recommendation, to provide the applicant with specific reasons for the denial.

In response to a question by Mr. Waller, Mr. Pritchard stated that Condition sixteen (16) was a standard condition in all projects developed to resolve unanticipated problems.

Upon conclusion of the discussion, Mr. Waller stated that, unlike zoning cases, a tentative subdivision case required specific information to be graphically shown on the plan for approval. He noted that information presented indicated that the adjacent stream was perennial; the wetlands were connected to that stream; and the plan must include the Resource Protection Area. Given that the plan did not include this RPA, it was not in compliance with the Subdivision Ordinance requirements and, as such, he could not support the request.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to deny Case 08TS0238.

AYES: Messrs. Gulley, Brown, Hassen and Waller

NAY: Mr. Bass

08TS0287: In Matoaca and Midlothian Magisterial Districts, COMMONWEALTH FOUNDATION FOR CANCER RESEARCH is requesting tentative subdivision approval for 125 single-family lots. This development is commonly known as QUEENSGATE. This request lies in a Residential (R-7 and R-15) and Corporate Office (O-2) Districts on 77.5 acres fronting approximately 2500 feet on the south line of Coalfield Road, also fronting approximately 2500 feet on the north line of Lucks Lane. Tax IDs 727-698-7803, 728-697-2424, 728-697-5402, 729-696-0058 and 731-696-2505.

Ms. Amy Somervell presented an overview of the request and staff's recommendation for approval, noting the tentative subdivision conforms to the Subdivision Ordinance.

Mr. Andrew Gibb, the applicant's representative, and accepted staffs recommendations.

Mr. Gulley opened the floor for public comments.

Mr. Richard Hale, resident, presented photographs to highlight his concerns on increase traffic and road conditions and asked the Commission to deny the development.

Ms. Sandra Dagenhart; Mr. Shawn Brandnum, Walton Lake Community; Mr. Brad Earley, President, Walton Park Homeowners' Association; Mr. Robert Palmer; Ms. Marie Strack, Queensmill Board civic representative and Midlothian Village Volunteer Coalition member; and Mr. Bob Lawrence, Queensmill Civic Association, all opposed the request citing concerns relative to density; overcrowding of schools; and increased traffic volumes and cut-through traffic generating safety, noise and quality of life issues for neighborhood children and adults and compromise or adversely affect area property values.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Gibb stated the applicants have donated land for a school and a fire house. To minimize the noise attenuation, Mr. Gibb noted proffers to construct a fifteen (15) foot high berm within the limits of the proposed development.

Mr. Banks and Mr. Newcomb responded to questions from the Commission about access to Luck's Lane, traffic distribution on area roads, current traffic conditions and noise attenuation.

Mr. Waller made a motion, seconded by Mr. Bass, to approve tentative subdivision plat approval for Case 08TS0287 subject to the conditions and review notes.

The vote on Mr. Waller's motion was as follows:

AYES: Messrs. Bass and Waller

NAYES: Messrs. Gulley, Brown and Hassen

Mr. Gulley stated he could not support the request based on traffic problems and safety concerns.

Dr. Brown stated he could not support the motion based on traffic congestion, sound attenuation and public safety.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to deny Case 08TS0287.

AYES: Messrs. Gulley, Brown and Hassen

NAYES: Messrs. Bass and Waller

IV. Recess.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 6:15 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public meeting.

During dinner, there was general discussion regarding pending cases.

6:30 P.M. PUBLIC MEETING AND HEARING

Mr. Gulley, Chairman, called the meeting to order at 6:40 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. DISTRIBUTION OF "REQUEST ANALYSES AND RECOMMENDATIONS."

II. INVOCATION.

Mr. Gulley presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Mike Golden led the Pledge of Allegiance to the Flag.

IV. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission amended the agenda to reorder Item XI, Code Amendment as Item XII; to reorder Item XII, Rezoning and Conditional Uses - Other as Item XI.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VI. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VII. CITIZEN'S COMMENTS ON UNSCHEDULED MATTERS.

Ms. Norma Secall, Brandermill resident, and Ms. Betty Hunter-Clapp, Clover Hill resident, asked the Commission to simplify the processes relative to the *Upper Swift Creek Plan Amendments* and to unite with the Board of Supervisors to resolve the *Plan*.

VIII. PUBLIC HEARING.

◆ REQUEST FOR WITHDRAWAL/DEFERRALS.

08SN0127: In Matoaca Magisterial District, REBKEE COMPANY withdrew a request for rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood shopping center uses. This request lies on 8.7 acres located in the southwest quadrant of the intersection of Beach and Winterpock Roads. Tax ID 721-655-5165.

Mr. Turner indicated the applicant had withdrawn the request.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission acknowledged withdrawal of Case 08SN0127.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08PD0295: In Matoaca Magisterial District, RICHMOND 20MHZ, LLC withdrew a request for Substantial Accord Determination and amendment of zoning district map to permit a communications tower in a Light Industrial (I-1) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 3.2 acres located in the southeast quadrant of the intersection of Commonwealth Centre and Brad McNeer Parkways. Tax IDs 736-675-7199; 736-676-4308 and 6214.

Mr. Turner indicated the applicant had withdrawn the request.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission acknowledged withdrawal of Case 08PD0295.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

06SN0156: (Amended) In Dale Magisterial District, G. H. COGBILL LIMITED COMPANY requested deferral of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.5 acres fronting approximately 290 feet on the south line of Iron Bridge Road

approximately 1,000 feet west of Beach Road. Tax IDs 769-661-Part of 5744 and 769-662-7415.

Ms. Theodore Cogbill, the applicant's representative, requested deferral of Case 06SN0156 to the September 16, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to defer Case 06SN0156 to the September 16, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07PD0248: (Amended) In Clover Hill Magisterial District, CHESTERFIELD COUNTY PARKS AND RECREATION requested deferral of consideration for Substantial Accord Determination on 10 acres of 52 acre tract to permit expansion of the proposed Providence Road park site, plus amendment to substantial accord (Case 92PD0197) relative to development standards. This request lies in an Agricultural (A) District on 52 acres fronting approximately 1,560 feet on the south line of Powhite Parkway, west of the northern terminus of Condrey Ridge Drive, and also fronting the north line of West Providence Road across from Providence Elementary School. Tax IDs 743-692-Part of 4869 and 743-693-5361.

Mr. Mike Golden, the applicant's representative, requested deferral of Case 07PD0248 to the July 15, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to defer Case 07PD0248 to the July 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0105: In Clover Hill Magisterial District, STYLECRAFT HOMES DEVELOPMENT CORP. requested deferral of consideration for rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789.

Mr. Bass declared a conflict of interest due to a business association with the seller of the property.

Mr. Larry Horton, the applicant's representative, requested deferral of Case 08SN0105 to the July 15, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to deferred, the Commission resolved to defer Case 08SN0105 to the July 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Brown, Hassen and Waller.

ABSTENTION: Mr. Bass

◆ **REQUEST FOR DEFERRALS BY INDIVIDUAL PLANNING COMMISSIONER.**

08SN0159: (Amended) In Dale Magisterial District, DOUGLAS AND SUSAN SOWERS request rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 4.2 acres fronting on the southern terminus of Stockport Place and the western terminus of Hereld Green Drive. Tax ID 748-674-3597.

Mr. Turner indicated Dr. Brown was requesting that the Commission defer this case.

Ms. Carrie Coyner, the applicant's representative, accepted the deferral request of Case 08SN0159 to the July 15, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the Dr. Brown's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer Case 08SN0159 to the July 15, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller

◆ **REQUEST WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NOT OPPOSITION PRESENT.**

08SN0204: In Midlothian Magisterial District, JEFFERSON T. BLACKBURN, D.D.S PC (CCM DEVELOPMENT LLC) requests amendment to Conditional Use Planned Development (Case 86SN0092) and amendment of zoning district map to delete sign condition. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Community Business (C-2) District on 0.5 acres and is known as 2301 Robious Station Circle. Tax ID 739-714-9499.

Mr. Jeff Blackburn, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0204.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0214: In Bermuda Magisterial District, REBKEE COMPANY requests amendment to Conditional Use Planned Development (Case 875090) and amendment of zoning district map to permit drive-in window in conjunction with pharmacy use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed uses. This request lies in a Neighborhood Business (C-2) District on 11.9 acres located in the northeast quadrant of the intersection of Iron Bridge and Chalkley Roads. Tax IDs 779-653-7767 and 780-654-Part of 0821.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0214 subject to the following condition:

CONDITION

Uses permitted shall include drive-in windows in association with pharmacy use. (P)

(Note: This Condition is in addition to the Textual Statement Items III and IV of Case 87S090 for the subject property.)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0385: In Matoaca Magisterial District, FIRST COMMONWEALTH SERVICES requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 8.2 acres fronting approximately 270 feet on the east line of Winterpock Road north of Springford Parkway; also fronting approximately 170 feet on the west line of Summercreek Drive across from Summercreek Place. Tax ID 722-661-8707.

Ms. Orr presented an overview of the request and staff's recommendation for approval.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation. She commented on the applicant's attempt to meet with homeowners and willingness to become a part of the Summerford community, if the association would amend the bylaws to permit inclusion of this proposed development.

Mr. Gulley opened the floor for public comments.

Mr. Stewart Daniel, president of Summerford Homeowner Association, opposed the request and expressed concerns relative to drainage runoff from the proposed development and its affect on the lake and environment, and increased traffic. He stated the Homeowners' Association was not interested in annexing the development into Summerford because the proposed lots were smaller than those in Summerford.

Mr. Jerry McCracken and Mr. Donald Armstrong opposed the request citing concerns relative to road conditions, increased traffic and decline in property value.

There being no one else to speak, Mr. Gulley closed the public comment.

In rebuttal, Ms. Kristen Keatley, noted the applicant's willingness to increase the proposed lot sizes and to access Winterpock Road, if supported by staff.

Mr. Bass stated he could not support a case that would contribute to traffic on Winterpock Road.

Mr. Hassen voiced his concern that the entrance to the development would be through Summerford Road, yet the developer and the residents were not willing to unite to propose a workable situation.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend denial of Case 07SN0385.

AYES: Messrs. Gulley, Bass and Hassen

NAYES: Messrs. Brown and Waller

◆ **REZONINGS AND CONDITIONAL USES.**

07SN0206: (Amended) In Matoaca Magisterial District, GBS HOLDING LTD requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Ms. Peterson presented an overview of the request and staff's recommendation for denial noting the application failed to address transportation concerns relative to Old Hundred Road.

Mr. Casey Sowers, the applicant's representative, did not accept staff's recommendation. He noted a proffered condition was amended to require access to Old Hundred Road to promote street connectivity and to eliminate staff's concerns relative to compatibility with the adjoining Hallsley development.

Mr. Gulley opened the floor for public comments.

Mr. Hugh Woodley, owner of the subject property, supported the request.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Bass commented on the significant amount of road improvements completed by the applicant along Old Hundred Road. He stated that approval of the project would promote continued improvements to area roads.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approved of Case 07SN0206 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number part of 714-698-3178 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-15 and the conditional use plan of development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement, dated February 20, 2008, and Exhibit A, dated March 1, 2007, and revised July 25, 2007 shall be considered the Master Plan. (P)
2. Density. The maximum number of dwelling units developed on the Property shall be forty-five (45). Of this total, a minimum of seventeen (17) lots shall be of Lot Type B and a maximum of twenty six (26) shall be of Lot Type A, as further defined in the Textual Statement. (P)
3. Timbering. With the exception of timbering, which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Utilities. The public water and wastewater systems shall be used, except for model homes/sales offices not in permanent dwellings and/or construction offices. (U)
5. Cash Proffers. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the Property:
 - A. \$15,600.00 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - B. If, upon the mutual agreement of the Transportation Department and the Developer, the Developer provides road improvements (the "Improvements") in the vicinity of Old Hundred Road, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long

as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Developer shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Developer shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
6. Access. Direct vehicular access shall be provided from the Property to Old Hundred Road and this access shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department.
- A. In conjunction with any development that includes direct vehicular access from the property to Old Hundred Road; additional pavement shall be constructed along Old Hundred Road at the public road intersection to provide left and right turn lanes. The Developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. (T)
 - B. No lots shall have sole access through Hallsley Subdivision. (P)
7. Dedication. In conjunction with recordation of the initial subdivision plat or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the west side of Old Hundred Road, measured from the centerline of that part of Old Hundred Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
8. Buffers. All required buffers shall be located within recorded open space. (P)
9. Stormwater Management.-The developer acknowledges that if the water quality of the Swift Creek Reservoir has reached a median level that exceeds .04 mg/l in-lake phosphorus or otherwise degrades to an unacceptable level, that the Director of Environmental Engineering, may recommend that the County adopt phosphorus loading standards that are more restrictive than the standards applicable as of October 10, 2007. To mitigate the impact of this development on the water quality of the Swift Creek Reservoir and the Upper Swift Creek Watershed, and consistent with the County's duty to exercise its police powers to protect the County's water supply, the Developer and his assignees agree that the phosphorus loading standards of the zoning ordinance applicable to any undeveloped

portion of the subject property shall be those standards that are in effect at the time of subdivision or site plan approval for any residential uses. This condition shall not apply to residential uses located within the same structure as commercial uses. All substantially approvable construction plans in the Department of Environmental Engineering that have complied with the submittal criteria for review shall not be affected. (EE)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0182: In Matoaca Magisterial District DOGWOOD PARTNERSHIP LLC request amendment to rezoning (Case 99SN0227) and amendment of zoning district map to permit Community Business (C-3) uses and to delete the conceptual plan. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies in a Community Business (C-3) District on 3.9 acres fronting approximately 490 feet on the north line of Hull Street Road approximately 60 feet east of Cosby Road. Tax ID 717-671-5331.

Ms. Peterson presented an overview of the request and staff's recommendation for denial noting the proposed commercial land uses do not conform to the *Upper Swift Creek Plan*.

Ms. Carrie Coyner, the applicant's representative, disagreed with staff's recommendation and asked for approval and acceptance of the proffered conditions.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0182 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses shall be limited to those uses permitted by right or with restrictions in the Community Business (C-3) District, excluding the following uses:
 - (a) automobile service stations;
 - (b) automobile self-service stations; and
 - (c) fast-food restaurants. (P)
2. The ultimate design of development on the property shall not be subject to the Conceptual Plan identified in Proffered Condition 5 of Case 99SN0227. (P)
3. The estimated wastewater flows for the entire 3.9 acre parcel shall be noted on the first site plan submitted. Should the projected flows exceed 10,350 gpd, a wastewater capacity study shall be submitted to the Utilities Department for approval prior to approval of that site plan. Should that study show that an existing downstream capacity restriction would be exceeded, the site plan shall be revised to incorporate an off-site wastewater diversion line. (U)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XII. CODE AMENDMENT

◆ **PROPOSED CODE AMENDMENT RELATIVE TO PHOSPHORUS LOADS IN THE UPPER SWIFT CREEK WATERSHED.**

An ordinance to amend the Code of the County Of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-238 of the Zoning Ordinance relating to water quality in the Upper Swift Creek Watershed. Specially, this amendment would require that the post-development total phosphorus load for all land uses within the watershed, except agricultural practices, shall not exceed 0.16 pounds per acre per year.



Mr. Turner presented an overview of the request and staff's recommendation for denial.

Mr. Tom Pakurar, Ms. Kate Snow, Mr. Peter Martin, Ms. Norma Zakal and Dr. Betty Hunter-Clapp commented on maintaining and decreasing the current phosphorous load levels, maintaining water quality and unifying the initiated Plans. They also asked the Commission to approve staff's recommendations.

Dr. Brown exited the meeting at 8:24 p.m.

Dr. Brown returned to the meeting at 8:26 p.m.

Messrs. Dave Anderson, Warren Winkler and Ivan Woo, engineers, requested reasonable water quality guidelines and supported the current phosphorous level limitations.

The Commission commented that they could not support lowering the current phosphorous loading limitations below 0.22 and 0.45 because of the lack of necessary data to support the reduction.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of the Code Amendment relative Phosphorus Loads in the *Upper Swift Creek Watershed*.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XIII. CITIZEN'S COMMENTS ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizen comments.

XIV. ADJOURNMENT.

There being no further business to come before the Commission, on motion of Mr. Hassen, seconded by Dr. Brown, the meeting adjourned at 9:15 p.m. to the Public Hearing on June 3, 2008, at 7:00 p.m. at the Chesterfield County Administration Building.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Chairman/Date

Secretary/Date